

## **Assembly Bill No. 1310**

### **CHAPTER 406**

An act to amend Section 41512.7 of the Health and Safety Code, relating to air pollution.

[Approved by Governor September 5, 1997. Filed  
with Secretary of State September 5, 1997.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1310, Wayne. Air pollution: San Diego district budget: permit fees.

Existing law generally prohibits air pollution control districts and air quality management districts with an annual budget of less than \$1,000,000, or of \$1,000,000 or more, respectively, from increasing fees for permits to construct or operate by more than 30% or 15%, respectively, in a calendar year, except as specified. Those provisions do not apply to the South Coast Air Quality Management District.

This bill would provide that the San Diego County Air Pollution Control District's individual fees for those permits, effective January 1, 1998, may reflect the district's actual costs and, on and after January 1, 1999, the bill would authorize the San Diego district to increase individual fees for authority-to-construct permits or permits to operate by more than 15% in any fiscal year only if the total, aggregate increase in existing fees for those permits does not exceed 15% in the fiscal year. Those provisions would become inoperative upon the occurrence of a specified condition.

*The people of the State of California do enact as follows:*

SECTION 1. Section 41512.7 of the Health and Safety Code is amended to read:

41512.7. (a) No district with an annual budget of less than one million dollars (\$1,000,000) shall increase any existing fees for authority-to-construct permits or permits to operate by more than 30 percent in any calendar year, unless required to comply with the minimum fee requirements of Title V.

(b) No district with an annual budget of one million dollars (\$1,000,000) or more shall increase any existing fees for authority-to-construct permits or permits to operate by more than 15 percent in any calendar year.

(c) Notwithstanding subdivision (b), this section shall not apply to the south coast district.

(d) (1) Notwithstanding subdivision (b), effective January 1, 1998, any of the San Diego County Air Pollution Control District's

individual fees for authority-to-construct permits and permits to operate may reflect the district's actual costs, as determined by the district's fee-for-service calculations.

(2) Notwithstanding paragraph (1) or subdivision (b), on and after January 1, 1999, the San Diego County Air Pollution Control District may increase any individual fees for authority-to-construct permits and permits to operate by more than 15 percent in any fiscal year only if the total, aggregate increase in existing fees for authority-to-construct permits and permits to operate does not exceed 15 percent in that fiscal year.

(3) (A) This subdivision shall remain operative so long as the San Diego County Air Pollution Control District continues to determine fees for authority-to-construct permits and permits to operate pursuant to a cost-based fee system in which all of the following requirements are met:

(i) Fees for authority-to-construct permits and permits to operate are specified for a minimum of 120 separate equipment and process categories.

(ii) Labor expended to issue authority-to-construct permits and permits to operate is tracked in increments of 0.5 hours or less for each of those categories.

(iii) The fees for authority-to-construct permits and permits to operate are determined from the costs of labor tracked in increments of 0.5 hours or less and other actual and projected costs related to permitted stationary sources.

(B) This subdivision shall become inoperative if, and at the time that, the San Diego district ceases to determine fees for authority-to-construct permits and permits to operate as specified in subparagraph (A).

